

28 SEP 2004

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In re Application of
Adolphe Richard DZIULKO, et al.
Application No.: 10/500,333
PCT No.: PCT/FR02/04191
Int. Filing Date: 05 December 2002
Priority Date: 13 December 2001
Attorney Docket No.: 042536
For: WORLDWIDE SOLAR CALENDAR
AND PHASES OF THE MOON ON
WATCHES

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 June 2004 in the above-captioned application is hereby **GRANTED** as follows:

On 05 December 2002, applicants filed international application PCT/FR02/04191, which claimed priority of an earlier French application filed 13 December 2001. The application became abandoned as to the national stage in the United States because the basic national fee was not paid to the USPTO prior to the 30 months statutory time period, which expired at midnight on Monday 14 June 2004.

On 28 June 2004, applicants filed the present petition, requesting revival of the international application under the provisions of 37 CFR 1.137(b) along with the appropriate petition fee as required by 37 CFR 1.17(m) for a small entity.

A review of the application papers filed 28 June 2004 reveals that all of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicant's statement that "the above-identified application was unintentionally abandoned" has been interpreted as meaning that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

A review of the declaration of the inventors filed with the petition reveals that it is not in compliance with 37 CFR 1.497. The citizenship of the second inventor was not listed on the declaration. Since the translation of the international application and the declaration of the inventors were submitted after 30 months from the priority date claimed of 13 December 2001, an amount of \$195.00, including \$130.00 processing fee (fee code 1618) for submitting a translation after 30 months and \$65.00 surcharge (fee code 2617) for filing an oath or declaration after 30 months, will be charged to Counsel's Deposit Account No. 50-2866, as authorized in the Transmittal Letter accompanying this petition.

Applicants' claim for priority is acknowledged. The application has an international filing date of **05 December 2002** under 35 U.S.C. 363.

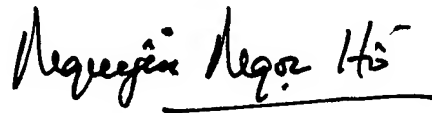
The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application is being forwarded to the United States Designated/Elected Office for further processing, including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) to inform applicant that a declaration in compliance with 37 CFR 1.497 must be submitted in order to avoid abandonment of the application as to the national stage in the United States.



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